

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

06 CR 10242 RWZ

UNITED STATES OF AMERICA

v.

1. FRANK FAGONE,
2. JOSEPH FAGONE, and
3. MARIA MATHEWS,

Defendants.

) Criminal No.

)

) VIOLATIONS:

)

) 21 U.S.C. § 846 – Conspiracy to

) Distribute and Possess With Intent

) to Distribute Controlled Substances

)

) 21 U.S.C. § 841(a)(1) –

) Distribution of Heroin

)

) 21 U.S.C. § 841(a)(1) –

) Possession With Intent to

) Distribute

)

) 18 U.S.C. § 2 – Aiding & Abetting

)

) 21 U.S.C. § 853 –

) Criminal Forfeiture Allegation

INDICTMENT

COUNT ONE: (21 U.S.C. § 846 – Conspiracy To Distribute, And To Possess With
Intent To Distribute, Controlled Substances)

The Grand Jury charges that:

In or about July 2006, at Hyannis, in the District of Massachusetts,

1. FRANK FAGONE,
2. JOSEPH FAGONE, and
3. MARIA MATHEWS,

defendants herein, did knowingly and intentionally combine, conspire, confederate, and agree with each other and with other persons, unknown to the Grand Jury, to distribute, and to possess with intent to distribute, controlled substances, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: (21 U.S.C. § 841(a)(1) – Distribution of Heroin; 18 U.S.C. § 2 – Aiding & Abetting)

The Grand Jury further charges that

On or about July 14, 2006, at Hyannis, in the District of Massachusetts,

- 1. FRANK FAGONE,**
- 2. JOSEPH FAGONE, and**
- 3. MARIA MATHEWS,**

defendant herein, did knowingly and intentionally distribute, and possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT THREE: (21 U.S.C. § 841(a)(1) – Possession of Heroin With Intent to Distribute; 18 U.S.C. § 2 – Aiding & Abetting)

The Grand Jury further charges that:

On or about July 21, 2006, at Boston, in the District of Massachusetts,

- 1. FRANK FAGONE,**
- 2. JOSEPH FAGONE, and**
- 3. MARIA MATHEWS,**

defendants herein, did knowingly and intentionally possess with intent to distribute, heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FOUR: (21 U.S.C. § 841(a)(1) – Possession of Cocaine With Intent to Distribute; 18 U.S.C. § 2 – Aiding & Abetting)

The Grand Jury further charges that:

On or about July 21, 2006, at Boston, in the District of Massachusetts,

- 1. FRANK FAGONE,**
- 2. JOSEPH FAGONE, and**
- 3. MARIA MATHEWS,**

defendants herein, did knowingly and intentionally possess with intent to distribute cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION
(21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts I, II, III and IV of this Indictment, the defendants,

- 1. FRANK FAGONE,
2. JOSEPH FAGONE, and
3. MARIA MATHEWS,**

shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations.

2. If any of the property described in paragraph 1 above, as a result of any act or omission of the defendants,

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

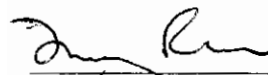
it is the intention of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the property described in paragraph 1.

All in violation of 21 U.S.C. § 853.

A TRUE BILL,



FOREPERSON OF THE GRAND JURY

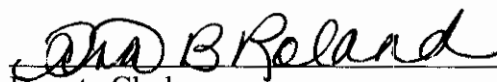


Nancy Rue
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS

August 11, 2006

Returned into the District Court by the Grand Jury Foreperson and filed.



Deputy Clerk
12:10 p